

**Los Angeles Regional Water Quality Control Board**

Meeting Minutes

Los Angeles Water Board Meeting  
June 7, 2012  
City of Simi Valley  
2929 Tapo Canyon Road  
Simi Valley, California

The meeting was called to Order by Chair Maria Mehranian at 9:07 am.

Item 1. Roll Call.

Board Members Present: Maria Camacho, Fran Diamond, Madelyn Glickfeld, Mary Ann Lutz, Maria Mehranian, Irma Muñoz, Charles Stringer, and Lawrence Yee

Board Members Absent: None.

Staff Present: Sam Unger, Deborah Smith, Paula Rasmussen, Ronji Moffett, Jennifer Fordyce, Alex Carlos, Lori Okun, David Hung, Renee Purdy, Hugh Marley, Michael Lyons, Brandi Outwin-Beals, Dr. LB Nye, Valerie Carrillo Zara, Eric Wu, Man Voong, Jenny Newman, Elizabeth Erickson, Shana Rapoport, Barbara Barry, Andrew Choi, Kangshi Wang

Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Ms. Kirsten James, Heal the Bay	Mr. Matt Carpenter, Newhall Land
Ms. Susie Santilena, Heal the Bay	Mr. Jim Thorsen, City of Malibu
Ms. Liz Crosson, Santa Monica Baykeeper	Ms. Ann Heil, L.A. County Sanitation District
Ms. Lisa Austin, Geosyntec Consultants	Ms. Tracy Egoscue, Egoscue Law Group
Mr. Frank Wu, L.A. County DPW	Ms. Holly Schroeder, Building Industry Association
Ms. Heather Maloney, City of Monrovia	Mr. Rudy Ortega, Tataviam
Mr. Kaden Young, City of Culver City	Mr. Jonathan Zari, City of Los Angeles
Mr. Chris Lapaz, City of Bell Gardens	Ms. Denise Connors, Larry Walker Associates
Mr. Ray Corbett, JMA	Ms. Terry Lord, Oxnard resident
Dr. Geremew Amenu, LACFCD	Mr. Daniel Pankaus, City of Calabasas
Ms. Kathleen McGowan, Consultant	Ms. Zora Baharians, City of Los Angeles BOS
Mr. Bob Carson, City of Thousand Oaks	Mr. Garrett Nishimon, San Miguel Produce
Mr. John Dettle, City of Torrance	Ms. Ankita Vyas, RBF Consulting
Ms. Elaine Jeng, City of Redondo Beach	Mr. Jason Weiner, Ventura Coastkeeper
Mr. Mike Shay, City of Redondo Beach	Mr. Hamad Tadayan, City of Los Angeles
Mr. Scott Howseu, Rep. Assemblymember Smith	Ms. Jennifer Brown, City of Malibu
Mr. William Andrews, City of Los Angeles	Mr. Paul Cabian, City of Los Angeles

MARIA MEHRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

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Ms. Pam Finck, Pacific Palisades resident Mr. Joe Bellomo, Rep. Cities of Westlake Village and Agoura Hills	Mr. Gian Villarreal, RBF Consulting Ms. Lynn Plambeck, Santa Clarita Org for Planning of the Environment (SCOPE)
Mr. Hassan Rad, City of Los Angeles	Ms. Ewelina Mutkowski, County of Ventura
Mr. Ron Bottorff, Resident Newbury Park	Ms. Donna Chen, City of Los Angeles
Ms. Barbara Wample, FSCR	Mr. Rob Beste, City of Torrance
Mr. Clay Curtin, City of Manhattan Beach	Ms. Julie Clark De Blaso, Sweetgrass Environmental Consulting
Mr. Joe Gully, L.A. County Sanitation District	

Item 2. Order of Agenda.

*The changes to the Order of Agenda are that Items 12 and 13 are heard out of order, and that the Executive Officer’s Report and the Public Forum are heard at the end of the meeting.*

Item 3. Approval of draft meeting Minutes for the May 3, 2012 Board/Workshop meeting.

MOTION: To approve the draft meeting Minutes for May 3, 2012 Workshop/meeting.

- First: Board Member Madelyn Glickfeld
- Second: Board Member Laurence Yee
- Vote: Approved by unanimous vote

Item 4. Board Member Communications.

*There were no communications that constituted disclosure.*

Item 5a. Executive Officer’s Report

Report and Addendum Report was given to the Board. The Report was posted on the Board’s website: <http://www.waterboards.ca.gov/losangeles>

Item 6. Update from State Board. This Report was made by Jonathan Bishop, Chief Deputy Director at State Board. Mr. Bishop made, but was not limited to the following comments:

- State Board has two new Board Members. Felicia Marcus, will start on June 25, 2012, and the second new member is Steven Mars, and he was a previous Board member at Region 2.
- The reorganization of the Regional Boards has been dropped from the agenda. However, downsizing the Boards to seven members still remains on the agenda, and if approved, instead of removing members, they will just wait until a term expires.

Approval of Uncontested Calendar.

*Executive Officer Sam Unger announced the Consent items as follows: Items 8, and 9.*

MOTION: To deem non-controversial and approve Agenda Item(s): Items 8, and 9.

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First: Vice Chair Charles Stringer  
Second: Board Member Mary Ann Lutz  
Vote: Approved by unanimous vote

Item 12. Hearing Panel Recommendation- Consideration of Complaint No. R4-2011-0027-M to assess Mandatory Minimum Penalties in the amount of \$267,000 against GID Investment Advisors, LLC (Sea Castle Apartments) pursuant to California Water Code section 13385.

Mr. Steve O’Neil, Representative for GID Investment, stated that GID does not believe the case cited at the Panel Hearing is applicable (*United States v. Cooper*). He contends that GID is not the permit holder, and that Western Multi-family is the permit holder and discharger.

Ms. Myumi Okamoto, of the prosecution team expressed that she believes *US v. Cooper* does apply to this case. She expressed that the Regional Board argues that GID is liable because GID is over the facility. She indicated that State Board has determined that it was not necessary to name the party of the permit or on the complaint, and the owner of GID is a responsible party on the signing of the permit.

### Board Comments:

- Asked if it is procedure to name the discharger of a permit?
- Board member Diamond indicated that she wrestled with who was responsible, and was comfortable with the panel’s decision in the end. She indicated that there was no other human being to connect with but GID.
- Asked the prosecution if she believes the 2 percent ownership alone is enough to determine liability?
- Asked Mr. O’Neil, who contracted his services?
- Asked what individual signed the contract for GID?

Ms. Okamoto indicated that it is more of the daily controls and not the 2 percent ownership.

Mr. O’Neil stated that GID overlooks the investments and is responsible for ‘big picture’ legal compliance, and the day to day operations is conducted by a different company. He stated that GID is not the daily management and never have been. Mr. O’Neil raised the issue that the Regional Board did not advise Black Rock of the violation until years later.

Ms. Jennifer Fordyce, Advisor agrees that the *United States vs. Cooper* is applicable for this case, and is an appropriate basis to hold liability. She indicated that the California Water Code has provisions similar to the Clean Water Act that. She quoted the *U.S. v. Cooper* case which distinctly uses the words “any person” and the phrase “any person” is broad enough to cover permittees and non-permittees alike.

The Board to a break to deliberate in Closed Session.

MOTION: To approve the Panel’s recommendation of a fine in the amount of \$42,000 to GID.

First: Board Member Mary Ann Lutz  
Second: Board Member Madelyn Glickfeld  
Vote: Approved by 7 to 1 vote. (Board Member Irma Muñoz opposed.)

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Item 10. Consideration of Tentative Waste Discharge Requirements for the Newhall Land and Farming Company.

Introductory remarks were made by Ms. Deborah Smith, Chief Deputy Executive Officer.

Ms. L.B. Nye, Unit Chief Regional Programs gave the staff presentation.

*(During her presentation, Ms. Nye made, but was not limited to the following remarks.):*

- The project is on 13, 600 acres of land, 5 interrelated villages-housing, and commercial and open space
- Discussed regulatory background
- The lead agency has been Department of Fish and Game
- The lead Federal Agency is Army Corps of Engineers for delineation of waters
- Discussed Newhall Ranch specific Plan, Proposed Development Alternative 2, and CEQA/NEPA Alternative 3
- The project will cause impacts to 47.9 acres of waters of the United States, and includes 5.1 acres of wetlands
- Temporary impacts are 3.53 acres of land, and 11.8 acres of water of the U.S.
- When all five villages are complete, that's about 20,000 residences

Ms. Valerie CarilloZara presented the following:

- Discussed hydrology, and RMDP Development components
- Discussed tributary drainages in Santa Clara, and its major feature will include 2 rivers
- Discussed flood plain impacts
- Indicated that there is flood plain protection
- There is preservation of 612 acres of waters, and 271.8 acres of wetlands
- Several commenters expressed concerns that chloride discharges to Santa Clara River should be addressed by the WDR
- Several commenters recommend numeric effluent limits for stormwater
- Staff recommend adoption of the permit

Ms. Tracy Egoscue, Representing Newhall Land gave introductory remarks on the project. *Ms. Egoscue indicated that she has worked with Newhall on this 401, and Newhall has an application for a waste discharge requirement and a 401 certification that has benefited from extensive agency collaboration, cooperation, and community input. Ms. Egoscue introduced Mr. Matt Carpenter, and stated that he will discuss the project background, and an overview of the avoidance, minimization, and mitigation measures exhibited by this project. She introduced, and indicated that Ms. Lisa Austin has expertise in water quality and stormwater management.*

Mr. Matt Carpenter Director, Newhall Ranch Specific Plan, gave the Newhall presentation. *(Mr. Carpenter made, but was not limited to the following points during his presentation):*

- The project protects over 800 acres of land
- The project protects 98 percent of the Santa Clara River and wetlands on Newhall Ranch
- The project brings over 8,600 acres of natural open space
- The project is situated immediately adjacent to the existing Valencia area within the Santa Clarita Valley where infrastructure such as roads and utilities already exist
- Incorporates state of the art environmental plans
- The project will generate over 60,000 new permanent jobs, and 130,000 construction jobs over the next 20 to 30 years, thus stimulating our regional economy

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- The plan incorporates state-of-the-art water quality protection measures and will be a model for green development
- There has been outreach to local residents, numerous meetings and input from public participation
- Newhall has worked with Regional Board staff for a 10 year period, and has had more than 50 meetings regarding this project
- Have received more than 2,000 public comments and addressed over this period
- In addition to L.A. County's CEQA compliance for the Specific Plan, the County will prepare EIRs for each of the villages

Ms. Lisa Austin, Representing Newhall, discussed the Newhall, Stormwater Management Plan, and Sub-Regional Stormwater Mitigation Plan. *(Ms. Austin made, but was not limited to the following points during her presentation.):*

- Developed a sub-regional plan using a watershed-based approach that addresses specific pollutants of concern and the hydrologic conditions of concern for the site
- The sub-regional plan specifies the site design, source control, LID, treatment control, and hydromodification control BMPs that will be used to manage stormwater
- The basic approach in the sub-regional plan was approved by the Regional Board in May 2008 under section 4 d.9 of the current MS4 permit

Speaker cards:

Mr. Peter Brand, State Coastal Conservancy

*Mr. Brand discussed a large State project downstream of the Newhall land project. He indicated that it is a 100 mile river, and the largest river restoration project in California. The Santa Clara River retains a lot of its natural attributes, which the Conservancy expects to preserve and restore. He indicated that the conservancy's project is part of a historical ecology study that shows the Santa Clara River estuary being a unique archetype in Southern California. Mr. Brand expressed the power in the flow of the river 75 percent of the time.*

Closed session break taken at 12:30 p.m.

Reconvened at 1:45 p.m.

Board member questions/concerns:

- Believe that the property is too large to be put in a flood plain
- Need to find more ways to help these villages to be built without storm drains
- Believe we should be looking into re-use of water
- Encouraged all parties to look closely at the issues, with hopes of them being worked out before they come back to this Board
- One member expressed asking the Coastal Commission for advice for this situation
- One member expressed having a continuance to digest all of the information presented today
- Believes the development is positive, and brings in more jobs, but would like to hear more about the treatment plant, and why the treatment plant will not come on right away. Asked for time frames.
- Suggests we create a lists of the issues and concerns that the Board has raised, and bring to discussion at the table

*Ms. Lori Okun, State Board attorney clarified that within 1 year, you (the Board) must either approve or deny certification without prejudice if you need more time.*

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*Mr. Sam Unger and Ms. Lori Okun explained the consequences of not meeting the time requirements. In addition, explained that the permit being certified is to cover dredge activities, and that the waste discharge requirements are issued for State Law requirements, and if certification is waived, the Corp issues the permit.*

Ms. Egoscue requested a continuance to work with staff.

Motion was made to continue this matter to allow more specific input, and the opportunity to engage in communication on the issues with staff, and NGOs. In addition, Mr. Sam Unger was given the authority to deny without prejudice.

Motion by Board Member Madelyn Glickfeld  
Seconded by Board Member Maria Camacho  
Approved by unanimous vote.

*There was a joint presentation made for the following items:*

Item 11.a Consideration of proposed Basin plan amendment to revise the Total Maximum Daily Loads (TMDLs) for Bacteria for the Santa Monica Bay Beaches: Marina del Rey Harbor, Mother's Beach, and Back Basins: Los Angeles Harbor, Inner Cabrillo Beach, and Main Ship Channel; and to amend Chapter 3 to modify the Implementation Provisions for Recreation Bacteria Objectives.

Item 11.b Consideration of proposed Basin Plan amendment to revise the Total Maximum Daily Loads for Bacteria for the Ballona Creek, Ballona Estuary, and Sepulveda Channel.

Item 11.c Consideration of proposed Basin Plan amendment to revise the Total Maximum Daily Load for Bacteria for Malibu Creek and Lagoon.

The joint staff report was made by Ms. Jenny Newman, Regional Programs, Unit Chief. (*Ms. Newman made, but was not limited to the following remarks during her presentation*):

- Staff is only proposing revisions to the TMDL
- The final TMDL covers 3 beaches
- The Santa Monica Beaches (SMB) TMDL covers 55 miles, and became effective in 2003
- Malibu Creek is largely undeveloped
- Estuary/Lagoon reference site remains consistent with SMB Beaches Bacteria TMDL
- Staff is working with Stakeholders on source identification
- Staff is proposing changes for clarity and consistency
- Lee Carrillo Beach is still the reference system beach

Speaker cards:

- Mr. Jim Thorsen, City of Malibu
- Ms. Laura Rosenthal, Mayor, City of Malibu, Mayor Pro-Tem (opposed at present time)
- Ms. Kirsten James, Heal the Bay (opposed)
- Ms. Angela George, Representing L.A. County & L.A. County Flood Control District (11.a,b,c) (opposed)
- Ms. Donna Chen, City of Los Angeles (11.b) (opposed, concerns about high flow suspension)
- Ms. Zora Baharians, City of Los Angeles BOS (11.a)
- Mr. Clay Curtin, City of Manhattan Beach, (11.a) (asked the Board to defer the matter)
- Ms. Ewelina Mutkowska, County of Ventura (11.a.c)

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- Mr. Rob Dettle, City of Torrance (Requests any action be deferred, but asks that WLAs be included in the TMDL)
- Mr. Mike Shay, City of Redondo Beach (Requests more time)
- Mr. Ray Tahir, Representing City of Inglewood
- Ms. Mari Stanley, Resident representing self (11c) (in support)
- Mr. Bob Carson, City of Thousand Oaks (11.c) (requested that the outfall monitoring be removed)
- Mr. Steve Littlejohn, Representing self (11.c)
- Mr. Joe Bellomo, Rep. Malibu Creek Watershed Management Committee (11.c) (requests a delay)
- Mr. Steve Dunn, Malibu Resident (opposed)
- Ms. Wendi Werner, Malibu Resident

### Board questions/concerns:

- Asked clarification on the ‘natural source’
- Asked for clarification as to how the geometric mean is utilized?
- Asked how cities can be held responsible for natural source pollutants?
- Asked for detail on the bacteria studies
- What criteria is Integrated Water approach? Are there incentives?
- A member expressed concerns about the economy and tough times on municipalities.

MOTION: To approve 11.a. and the Change Sheet, amending Motion for reopener in 2018.

First: Board Member Madelyn Glickfeld  
Second: Board Member Fran Diamond  
Vote: Approved by unanimous vote

MOTION: To approve 11.b. with amending motion for reopener in 2018.

First: Board Member Madelyn Glickfeld  
Second: Board Member Fran Diamond  
Vote: Approved by unanimous vote

MOTION: To approve 11.c with amendment for reopener in 2018.

First: Board Member Madelyn Glickfeld  
Second: Board vice Chair Charles Stringer  
Vote: Approved by unanimous vote

Item 13. Informational overview by the City of Signal Hill’s illicit Connection/illicit discharge program, sediment control procedures, and treatment control Best Management Practices (BMPs) to comply with the existing Los Angeles County MS4 Permit.

*(This presentation was made by Mr. Steve Myrter, City of Signal Hill, and he made but was not limited to the following points during his presentation):*

- Since 2007, 27 tons have been removed from urban runoff flows
- The city has installed 260 screens in catch basins for trash
- Inspects over 200 sites annually
- Discussed the City’s unique history in terms of oil production

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- Maintains a used oil hazardous waste collection program that the city offers its residents to make sure that oil is disposed properly
- Gave examples of the City's Inspection Program
- The City maintains a strong partnership with the City of Long Beach
- The proposed budget for next year is \$870,000 to spend on stormwater quality, \$427,000 in special studies, and \$127,000 for the new ordinance

7. Public Forum.

- Ms. Liz Crosson, Santa Monica Baykeeper/ Ms. Kirsten James, Heal the Bay (*Spoke of concerns about finding solutions for water quality issues in Malibu Civic Center area. Ms. Kirsten James read a statement.*)
- Mr. Jim Thorsen, City of Malibu (*Discussed the ground water injection study, and clarified that it is now in Phase 3. They now have an advisory group that has held one meeting so far, and was attended by Kirsten James, Heal the Bay, and Michael Stenstrom, UCLA.*)
- Ms. Amanda Griesbach, Heal the Bay (*Gave an update on the Annual Heal the Bay Beach Report card.*)

Item 14. Informational update on progress towards implementation of the Santa Monica Bay Comprehensive Monitoring Program.

Staff presentation by Mr. Guangyu Wang. (*Mr. Wang made, but was not limited to the following points during his presentation.*):

- Gave background and discussed what the plan is designed to do
- Clarified what the plan offers
- Discussed how each design can be funded
- Discussed the kelp monitoring
- Discussed the status of kelp beds in Palos Verdes
- Talked about short and long-term trends
- The Challenges include collecting more data

(For more detailed information on any matter at our meetings, you may contact Ronji Moffett at (213) 576-6612 or [rmoffett@waterboards.ca.gov](mailto:rmoffett@waterboards.ca.gov) and she may provide an electronic copy of the transcript or audio.)

The meeting was adjourned at 8:49 p.m.

Written and submitted by: \_\_\_\_\_, then finalized on  
Ronji R. Moffett

